

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
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P R 031924Z MAR 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 6128
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS
USMISSION EC BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 03884

E.O. 11652: GDS
TAGS: PFOR PGOV EEC WB GW US UK UR FR
SUBJECT: BERLIN AND THE EC: RESPONSE TO SOVIET PROTEST
OF NOVEMBER 16, AND THE HIBBERT VIEW ON
"QUADRIPARTITE STATUS OF BERLIN"

REFS: (A) USBER 557 (NOTAL); (B) STATE 39882;
(C) STATE 33293; (D) BONN 2447; (E) BONN 1547

BEGIN SUMMARY. UK INSISTENCE ON REPLACING REFERENCES TO
THE "STATUS OF BERLIN" WITH REFERENCES TO "ALLIED RIGHTS
AND RESPONSIBILITIES" IN BERLIN CONTINUES TO DELAY
AGREEMENT ON THE ALLIED REPLY TO THE SOVIET PROTEST OF
NOVEMBER 16. THE UK EMBASSY HAS NOW RECEIVED A SIX-
PAGE EXPLANATION OF HIBBERT'S VIEWS ON THE SUBJECT BUT
IS ITSELF NOT IN FULL AGREEMENT WITH THOSE VIEWS AND
IS QUERYING LONDON BEFORE SHARING THE HIBBERT
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RATIONALE WITH THE BONN GROUP. ACTION REQUESTED:
CONTINGENCY GUIDANCE ON WHETHER THE DEPARTMENT IS WILLING
TO CONCEDE THE POINT IF NECESSARY IN ORDER TO OBTAIN
AGREEMENT ON THE ALLIED REPLY. END SUMMARY.

1. BONN GROUP AGREEMENT ON THE ALLIED REPLY TO THE
NOVEMBER 16, 1976, SOVIET PROTEST ON BERLIN AND THE

EUROPEAN PARLIAMENT IS NOW HELD UP ON ONLY ONE POINT. THE UK (SPECIFICALLY, FCO DEPUTY UNDER SECRETARY HIBBERT) CONTINUES TO INSIST THAT ASSURANCES THAT EC DEVELOPMENTS WILL NOT AFFECT "THE STATUS OF BERLIN" BE CHANGED TO STATE THAT IT IS "ALLIED RIGHTS AND RESPONSIBILITIES" WHICH ARE NOT AFFECTED.

2. DISCUSSION OF THE FEBRUARY 8 AD REF TEXT (REF D) WAS DELAYED UNTIL THE MARCH 1 BONN GROUP MEETING, FOR LACK OF BRITISH INSTRUCTIONS. COMPARISON OF US, UK AND FRENCH INSTRUCTIONS ON MARCH 1 GAVE THE FOLLOWING RESULTS:

-- ALL THREE CAPITALS WERE WILLING TO ACCEPT PARA C OF THE FEBRUARY 8 TEXT, HENCE THE US REP DID NOT USE THE CONTINGENCY INSTRUCTIONS IN PARA 2, REF (C).

-- FOR REASONS DISCUSSED IN PARAS 12 AND 13, REF (D), PARIS CONTINUED TO OBJECT TO THE UK-PROPOSED CHANGE WHICH WAS SHOWN IN THE LAST SENTENCE OF PARA E OF THE FEBRUARY 8 TEXT. IN THE LIGHT OF THE PREVIOUSLY EXPRESSED FRENCH VIEWS ON THIS POINT, HOWEVER, LONDON WITHDREW ITS REQUEST AND ACQUIESCED IN THE SENTENCE AS WORDED IN THE JANUARY 26 BONN GROUP AD REF TEXT (REF E). PARA E HAS THUS BEEN AGREED WITH THE FOLLOWING WORDING:

"E. THE WESTERN SECTORS OF BERLIN WILL CONTINUE TO BE INCLUDED IN THE AREA OF APPLICATION OF THE
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CONSTITUTIVE TREATIES OF THE EC IN SO FAR AS THIS IS COMPATIBLE WITH ALLIED RIGHTS AND RESPONSIBILITIES. SUCH INCLUSION CANNOT AND WILL NOT HAVE THE EFFECT OF CONFERRING ON THE EUROPEAN COMMUNITY ANY PART OF THE SUPREME AUTHORITY EXERCISED BY THE THREE POWERS IN THE WESTERN SECTORS OF BERLIN. SUCH INCLUSION CONTRIBUTES TO THE MAINTENANCE AND DEVELOPMENT OF THE TIES BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY, AS CONFIRMED IN THE QUADRIPARTITE AGREEMENT, AND DOES NOT CIRCUMVENT THE SECOND PART OF THE RELEVANT PROVISION OF THE QUADRIPARTITE AGREEMENT THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND NOT TO BE GOVERNED BY IT."

-- LONDON WAS PREPARED TO ACCEPT ALL OF THE FEBRUARY 8 TEXT, AS CHANGED ABOVE, WITH ONE EXCEPTION:

IN PARA F, THE WORDS "THE STATUS OF BERLIN" SHOULD BE
CHANGED TO READ, "ALLIED RIGHTS AND RESPONSIBILITIES."

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INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS
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3. US REP REFERRED TO HIS INSTRUCTIONS (PARA 3,
REF C) AND STATED THAT THE DEPARTMENT WAS UNWILLING TO
ACCEPT THE ANALOGOUS CHANGE IN PARA D OF THE AD REF TEXT
WITHOUT A FULLER EXPLANATION OF THE BRITISH RATIONALE.
HE RECALLED THAT THE CHANGE IN PARA D HAD BEEN
ACCEPTED AS A COMPROMISE, AND HE DID NOT CONSIDER
LONDON'S CONTINUED INSISTENCE ON CHANGING NOT ONLY
PARA D BUT ALSO PARA F ACCEPTABLE. US REP RECALLED THAT
A REFERENCE TO THE STATUS OF BERLIN SEEMED REQUIRED
BOTH IN ORDER TO BE RESPONSIVE TO THE SOVIET PROTEST AND
BECAUSE OF THE CRITERION IN ANNEX IV OF THE QA, THAT
ACTS BY THE FRG IN REPRESENTATION OF THE INTERESTS OF
THE WSB ABROAD NOT AFFECT MATTERS OF STATUS AND
SECURITY. FRENCH REP (BOISSIEU) FULLY ASSOCIATED
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HIMSELF WITH THE US POSITION.

4. HITCH STATED THAT, AS A COMPROMISE, LONDON WAS WILLING TO LEAVE UNTOUCHED THE REFERENCE TO THE STATUS OF BERLIN IN PARA C OF THE FEBRUARY 8 TEXT. US REP RESPONDED THAT REWORDING THAT PARAGRAPH HAD NEVER BEEN DISCUSSED AND THAT HE THEREFORE DID NOT LOOK UPON THAT OFFER AS A "COMPROMISE."

5. HITCH SAID HE HAD JUST RECEIVED THE LONG-AWAITED LETTER FROM HIBBERT EXPLAINING HIS VIEWS ON THE NEED TO EMPHASIZE ALLIED RIGHTS AND RESPONSIBILITIES RATHER THAN THE QUADRIpartite STATUS OF BERLIN. BECAUSE THE LETTER WAS LONG (SIX PAGES) HITCH SAID HE WOULD SEEK AUTHORITY FROM HIS AMBASSADOR TO CIRCULATE COPIES OF IT, RATHER THAN GOING THROUGH HIBBERT'S ARGUMENTATION ORALLY. OTHER REPS WELCOMED THIS SUGGESTION AND AGREED TO DEFER FURTHER DISCUSSION OF THE POINT UNTIL HIBBERT'S POSITION COULD BE STUDIED. IN RESPONSE TO A QUESTION, HITCH SAID THE LETTER DID NOT SPECIFICALLY CLARIFY THE POINT AS TO WHETHER HIBBERT WAS REFERRING TO THE THREE POWERS OR THE FOUR WHEN HE SPOKE OF "ALLIED RIGHTS AND RESPONSIBILITIES."

6. COMMENT: WE HAVE DELAYED RESPONDING TO THE DEPARTMENT'S REQUEST FOR COMMENT ON HIBBERT'S VIEWS ON THIS POINT (PARA 5, REF B) UNTIL WE COULD STUDY THE MORE DETAILED HIBBERT ARGUMENTATION THAT HITCH HAS BEEN EXPECTING. WE WILL HOPE TO BE ABLE TO PROVIDE COMMENTS IN THE NEAR FUTURE.

7. HITCH HAS TOLD US PRIVATELY SINCE THE MARCH 1 MEETING, HOWEVER, THAT HIS PLAN FOR DISTRIBUTING THE HIBBERT LETTER HAS HIT A SNAG. PARTS OF THE LETTER ARE SIMPLY INACCURATE, AND THE EMBASSY IS THUS GOING BACK TO LONDON TO SEEK REVISION BEFORE PASSING IT ON TO THE

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OTHER BONN GROUP MEMBERS.

8. IN PARTICULAR, HITCH WAS REFERRING TO HIBBERT'S THESIS THAT ALLIED USAGE OF LANGUAGE ON THE QUADRIpartite STATUS OF BERLIN WAS SOMETHING WHICH HAD ONLY RECENTLY CREPT INTO THE ALLIED ANTHOLOGY ON BERLIN. AS THIS IS NOT CORRECT, THE UK EMBASSY DOES NOT WANT TO

TABLE THE LETTER ONLY TO HAVE OTHER REPS POINT THIS OUT.
(WE HAD NOTED FROM REF (B) THAT HIBBERT MADE THIS
ERRONEOUS STATEMENT IN THE DEPARTMENT. ALTHOUGH THE
STATEMENT ISSUED BY MINISTERS AFTER THE MAY 1975
QUADRIPARTITE BREAKFAST "REAFFIRMED THE QUADRIPARTITE

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FM AMEMBASSY BONN
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INFO USMISSION USBERLIN
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C O N F I D E N T I A L SECTION 03 OF 03 BONN 03884

STATUS OF BERLIN" -- 75 PARIS 13535 -- A CLEAR-CUT
STATEMENT ON THE QUADRIPARTITE STATUS OF BERLIN HAD
ALSO BEEN USED THE PREVIOUS MONTH, IN THE APRIL 14,
1975 ALLIED NOTE IN THE DEMOGRAPHIC YEARBOOK SERIES.
THE FORMULATION WAS INTRODUCED INTO THE DRAFTING OF
THAT NOTE ON THE BASIS OF INSTRUCTIONS FROM THE
DEPARTMENT -- 75 STATE 15938 -- BUT WE ARE UNDER THE
IMPRESSION THAT THAT ALSO WAS NOT THE FIRST USAGE.

9. HITCH TELLS US THAT HIBBERT DOES NOT RELY
EXCLUSIVELY IN HIS LETTER ON THEMISTAKEN
IMPRESSION THAT ARGUMENTS ON "STATUS" ARE A RECENT
CORRUPTION AND THAT THERE ARE SEVERAL STRINGS

TO HIS BOW. NEVERTHELESS, HE IS NOT PREPARED TO SHARE
THE FULL REASONING WITH US UNTIL THAT POINT HAS BEEN
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CLARIFIED.

OBQQNS JTE REMAIN UNCONVINCED THAT HIBBERT IS ON THE RIGHT
TRACK, BUT WILL RESERVE JUDGMENT UNTIL WE HAVE HEARD
MORE OF HIS REASONING. WHILE USBER HAS CORRECTLY
NOTED (REF A) THAT THE SOVIETS DO NOT PUBLICLY ACCEPT
EITHER CONCEPT -- "QUADRIPARTITE STATUS" OR "ALLIED
RIGHTS AND RESPONSIBILITIES" WHEN APPLIED TO GREATER
BERLIN, INSTEAD OF JUST WEST BERLIN -- WE DO NOT
CONSIDER THE TERMS INTERCHANGEABLE. FOR REASONS NOTED
IN PARA 3 ABOVE, THIS PARTICULAR ALLIED REPLY SEEMS TO
REQUIRE AN ASSERTION THAT THE ALLIES WILL NOT PERMIT
DEVELOPMENTS IN THE EC TO AFFECT THE STATUS OF BERLIN.

11. IT MAY BE NECESSARY IN THE END TO ACCEPT THE
HIBBERT FORMULATION IF WE ARE EVER TO ANSWER THE
NOVEMBER 16 PROTEST, BUT WE BELIEVE IT WOULD BE
DESIRABLE TO WAIT A FEW MORE DAYS FOR THE FULLER
BRITISH EXPLANATION.

12. ACTION REQUESTED: WOULD APPRECIATE RECEIVING
CONTINGENCY GUIDANCE ON WHETHER THE DEPARTMENT IS
PREPARED TO GO BEYOND THE INSTRUCTIONS
IN PARA 3, REF (C) TO PERMIT ACCEPTANCE OF THE UK
LANGUAGE NOT ONLY IN PARA D OF THE DRAFT REPLY BUT ALSO
IN PARA F, IF NECESSARY TO OBTAIN FINAL AGREEMENT
ON THE TEXT. CASH

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
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Concepts: AGREEMENTS, FISHERIES, STATUS OF BERLIN, BERLIN QUADRIPARTITE MATTERS, DIPLOMATIC PROTESTS
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
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